

**CITY OF BURLINGTON
PARKS, ARTS & CULTURE COMMITTEE**

**Councilor Joe Magee, Chair, Ward 3
Councilor Ali Dieng, Ward 7
Councilor Mark Barlow, North District**

Staff: Holli Bushnell, Office Assistant
Lakeview Cemetery
hbushnell@burlingtonvt.gov

AGENDA

**Parks, Arts and Culture Committee Meeting
645 Pine St, Front Conference Room
Wednesday, May 24, 2023 5:00pm – 7:00pm**

MEETING CONDUCTED IN PERSON AND VIA ZOOM

**When: May 24, 2023 05:00 PM Eastern Time (US and Canada)
Topic: PACC Meeting**

Please click the link below to join the webinar:

<https://zoom.us/j/96063117098>

Or One tap mobile :

+16469313860,,96063117098# US

+19292056099,,96063117098# US (New York)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 646 931 3860 US

Approval of the Agenda

Approval of the draft minutes from March 23, 2023

Public Forum

Agenda Items –

- Fees associated with usage of parks for Justice of the Peace Marriage Ceremonies.
- Update and plan from respective city departments of Planning and CSMP and our partners at BCA of Graffiti Removal from City and both public and private buildings
- Urban Reserve enforcement
- Celebration and Protection of the Forever Young Treehouse

Brief overview of past committee work and discussion of future business

Schedule Next Meeting

Adjournment

Non-Discrimination: The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145

MEMO

To: PACC

From: Cindi Wight, Director of Parks, Recreation & Waterfront

CC: Erin Moreau, Waterfront Superintendent

Date: May 24, 2023

Subject: Urban Reserve Enforcement

Request:

To authorize the update of Chapter 22-23 to add the portion of the Urban Reserve managed by Burlington Parks, Recreation & Waterfront (BPRW) for an area that follows all rules and regulations for Parks as found in Chapter 22 and Appendix D.

ABBREVIATED URBAN RESERVE HISTORY

The Urban Reserve was created in connection with the City of Burlington's purchase of waterfront property from Central Vermont Railway in 1991. In 2013, the City Council approved a resolution regarding the planning and site management of the Urban Reserve. The resolution noted that "interim stewardship" includes basic maintenance of the site, cleanup of the site (the City removed significant amounts of asphalt and concrete following the resolution), resource protection, and public safety tasks. While the long-term use of the Urban Reserve is not yet resolved, the immediate stewardship needs must be addressed.

OVERVIEW

The City hired the first Urban Park Rangers in May 2022 to support the Burlington Police Department (BPD) in enforcing rules in City Parks and be a consistent presence in our Parks spaces. Over the past year, we have amended ordinances to give them the necessary authority to address and enforce public safety. On June 6, 2022, the City Council approved an ordinance change adding the Urban Park Rangers to the list of individuals authorized to enforce park rules as stated in Chapter 22 and Appendix D. On April 17, 2023, the Council gave the Urban Park Rangers the authority to enforce at-large dogs.

BPRW manages a portion of the Urban Reserve, including the Waterfront Dog Park, access to "Texaco Beach" at Kieslich Park, fitness stations, a mini-park looking out to the lake and the Burlington Greenway that runs through it. Since the Urban Reserve is not an enumerated park, it currently falls outside the enforcement of the Rangers. The suggested change to the ordinance would give the Rangers the authority to enforce Chapter 22 and Appendix D in the Urban Reserve, along with enforcing at-large dogs as noted in Chapter 5, in accordance with the "interim stewardship" contemplated in the 2013 resolution. Providing this authority to the Rangers will allow for us to maintain this space in terms of public safety.



City Council Motion

To approve and recommend to the City Council that it accept, authorize, and place in all stages of passages the amendment to Chapter 22, section 23, of the Burlington Code of Ordinances, as outlined in the attached ordinance change form, subject to review by the City Attorney's office.

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: _____
Public Hearing Dates: _____

In the Year Two Thousand Twenty-Three

An Ordinance in Relation to

CHAPTER 22, PARKS—SECTION 23, PENALTY

First reading: _____
Referred to: _____
Rules suspended and placed in all
stages of passage: _____
Second reading: _____
Action: _____
Date: _____
Signed by Mayor: _____
Published: _____
Effective: _____

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 22, Parks, of the Code of Ordinances of the City of Burlington be and hereby is amended by
2 amending Sec. 23, Penalty, thereof to read as follows:

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4 22-23, Penalty

5 A violation of the following sections of this chapter shall be deemed a civil offense:

6 Section 22-2. Damage to parks.

7 Section 22-3. Digging or blasting prohibited.

8 Section 22-4. Littering.

9 Section 22-5. Glass bottles prohibited; exception.

10 Section 22-6. Throwing stones or other objects prohibited; exception.

11 Section 22-7. Camping in parks prohibited.

12 Section 22-10. Fires prohibited.

13 Section 22-11. Discharging fireworks prohibited.

14 Section 22-13. Animals prohibited, exception.

15 Section 22-14. Disturbing birds, nests, eggs or animals prohibited.

16 Section 22-15. Hitching horses to trees or shrubs prohibited.

17 Section 22-16. Motor vehicles subject to parks regulations.

Section 22-18. Driving on grass.

Section 22-22. Consumption of alcoholic beverages prohibited.

In addition, a violation of any provision of the rules and regulations of the Parks, Recreation and Waterfront Department contained in Appendix D of this Code of Ordinances shall be deemed a civil offense. A violation of these sections or the rules and regulations shall be punishable by a civil penalty of from fifty dollars (\$50.00) to five hundred dollars (\$500.00). The waiver penalty for such offenses for purposes of the municipal complaint (civil ticket) shall be fifty dollars (\$50.00). Each day's continued violation shall be a separate offense. The ~~superintendent of parks~~ director of the Parks, Recreation and Waterfront Department, waterfront managers, city arborist, urban park rangers, seasonal operations supervisors and all law enforcement officers are authorized to issue a municipal complaint for a violation of this chapter. For the limited purpose of interim stewardship and pending completion of a long-term planning process the land known as the Urban Reserve, bordered on the north by Kieslich Park, on the east by the railroad, on the west by Lake Champlain, and the south by the Community Sailing Center, shall be considered a city park subject to this chapter and the rules and regulations set forth in Appendix D.

* Material stricken out deleted.

** Material underlined added.

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2 **Resolution Relating to**
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RESOLUTION
Sponsor(s): Councilors Paul
 Brennan, Aubin
Introduced: 03/18/13
Referred to: _____
Action: amended; adopted
Date: 03/18/13
Signed by Mayor: 03/21/13

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7 URBAN RESERVE PLANNING AND SITE MANAGEMENT
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12 **CITY OF BURLINGTON**

13 In the year Two Thousand Thirteen.....

14 Resolved by the City Council of the City of Burlington, as follows:

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16 That WHEREAS, the Urban Reserve was created in connection with the City of Burlington's purchase
17 of waterfront property from Central Vermont Railway in 1991; and

18 WHEREAS, pursuant to the *Urban Renewal Plan for the Waterfront Revitalization District*,
19 adopted by the City Council in September 1990, one of the purposes of acquiring the property was "[t]o
20 preserve a large natural area from unwanted commercial development, reserve the right for future
21 generations to determine what level of development, if any, which should occur on this land, and to
22 concentrate the efforts of the City's development activities within the downtown business district and the
23 waterfront commercial district to the east of Lake Street;" and

24 WHEREAS, the *Interim Use and Stewardship Plan for the Urban Reserve*, adopted by both the
25 Planning Commission and the City Council in October 1997, has stewardship provisions for the site that
26 include, but are not limited to, the following:

- 27 • Completion of a comprehensive master plan for the property, including extensive public
28 participation and review will be required prior to any future development;
29 • Consideration should be given to the future sale of some or all of the development rights to entities
30 such as the Vermont or Lake Champlain Land Trusts;
31 • Long-term planning for the property is the responsibility of the Planning Commission with staff
32 support from the Departments of Planning and Zoning and Parks and Recreation and the
33 Community and Economic Development Office;
34 • Final adoption of any long-term plan for the property will be initiated after the completion of the
35 2006 Municipal Development Plan (MDP), and will be adopted not more than 15 years from the
36 adoption of this Plan (October 2012); and

37
38 WHEREAS, since acquiring the property over twenty (20) years ago, the Urban Reserve is now
39 critical need of site upgrades to increase public safety, reduce environmental hazards, and improve
40 pedestrian amenities pending the larger public planning process contemplated in the *Urban Renewal Plan*
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Resolution Relating to URBAN RESERVE PLANNING AND SITE
MANAGEMENT

for the Waterfront Revitalization, Interim Use and Stewardship Plan for the Urban Reserve, and other
City planning documents; and

WHEREAS, approximately half the Urban Reserve--nearly all lands west of the Bikepath--are
filled lands and are therefore subject to the Public Trust Doctrine; and

WHEREAS, said Public Trust Doctrine land must be "managed for the public good" as defined by
the Vermont Legislature, with uses satisfying this requirement including:

- governmental facilities such as water and sewer plants, coast guard and naval facilities, roads and
accessory transportation facilities and parking services;
- indoor or outdoor parks and recreation uses and facilities including parks and open space, public
marinas, water dependent uses, boating and related services;
- cultural activities including theaters, museums, art and cultural uses of the lake;
- freshwater and other environmental research activities; and
- services related and accessory to the uses permitted above, including restaurants, snack bars and
retail uses; and

WHEREAS, the City received a portion of the funding for the purchase of the Urban Reserve from
a grant from the Vermont Housing Conservation Board (VHCB); and

WHEREAS, in exchange for the funding from VHCB, the City entered into with VHCB a "*Grant
of Development Rights and Conservation Restrictions for the Urban Reserve*" (Easement) that requires
that "no less than 50% of the . . . property should be retained as public open/recreation space or
conservation land;" and

WHEREAS, also included in the Easement are the following requirements for the property:

- Eight acres of shoreline running the entire length of the property to a width of at least 100 feet;
- A one and a half acre natural area designated to protect an endangered plant community;
- A public open recreation area reserved for the use and enjoyment of the citizens of Burlington to
consist of at least 13 acres, with the specific locale and extent of the public open recreation portion
of the easement to be defined at a date prior to construction of any buildings or structures on the
Urban Reserve; and

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Resolution Relating to URBAN RESERVE PLANNING AND SITE
MANAGEMENT

WHEREAS, City staff (with the participation of the City’s Conservation Board) is now engaged in a comprehensive study of the site, including environmental, geotechnical, and historical data that will support the planning process for the site; and

WHEREAS, public sentiment regarding the Urban Reserve has historically been very strong towards a public planning process in the community, and the City needs to accommodate that sentiment while also acting as a responsible land steward in the short term; and

WHEREAS, the Urban Reserve is already a valuable recreational and conservation asset of the City’s with a need for “interim stewardship” pending the larger planning process; and

WHEREAS, said “interim stewardship” includes but is not limited to ongoing basic maintenance of the site, cleanup of the site, resource protection, and public safety tasks to support de facto user-created uses such as multiple trail networks, passive recreation as well as to manage illegal homeless encampments and to accommodate long-term temporary uses such as the dog park.

NOW, THEREFORE, BE IT RESOLVED that the year 2013 marks the beginning of the “future generations to determine what level of development should occur at this site” as referenced in the *Urban Renewal Plan for the Waterfront Revitalization* and thus allowing for the long-term planning process for the Urban Reserve to formally commence; and

BE IT FURTHER RESOLVED that Urban Reserve management be continued as laid out in the *Interim Use and Stewardship Plan for the Urban Reserve*, including managing for non-vehicular passive recreation and conservation; and

BE IT FURTHER RESOLVED that the Departments of Planning and Zoning, Parks and Recreation, and CEDO are directed to craft a proposed scope, timeline, and budget for the long term planning process for the Urban Reserve, and shall submit the plan as a distinct process under the “umbrella” of the overall PlanBTV effort to the City Council for review and approval; and

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Resolution Relating to **URBAN RESERVE PLANNING AND SITE MANAGEMENT**

BE IT FURTHER RESOLVED that City staff continue to work with the VHCB and other outside funding sources on the completion of a comprehensive land use map of the Urban Reserve for use by the public during the public planning process; and

BE IT FURTHER RESOLVED that City staff from CEDO, Parks and Recreation, Planning and Zoning, and the Department of Public Works adopt short-term improvements on the Urban Reserve that will promote public activity without creating new dedicated uses or impacting and/or triggering the existing VHCB Easement restrictions and/or impermissible uses under the City's zoning ordinance, and

BE IT FURTHER RESOLVED that City staff confer with VHCB and all other relevant permitting and regulatory entities before implementing any short term improvements and continue to pursue new funding and resources to complete said improvements including, but not limited to the:

- repair and realignment of the bike path;
- upgrade of existing informal shoreline footpaths;
- removal of piping from abandoned oil bollard;
- installation of small boat portage path(s) and launch site(s);
- naturalization of shoreline to reduce erosion and remove hazards;
- re-grading of the access road and installation of swales and/or storm water upgrades;
- management of vegetation on the property to minimize illegal camping and trash disposal;
- pursuit of other means to reduce criminal activities that present a public danger;
- mitigation of subsurface contaminants and soils; and
- removal of concrete foundations, asphalt, rubble, and debris;

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Resolution Relating to

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URBAN RESERVE PLANNING AND SITE
MANAGEMENT

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BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Burlington Planning

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Commission, Conservation Board, and the Directors of the Departments of Parks and Recreation,

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Planning and Zoning, and CEDO.

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lb/GM/c: Resolutions 2013/Urban Reserve Planning and Site Management

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3/14/13 amended; adopted 031813 lo

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DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

City Attorney's Office, Linda Blanchard
Burlington Planning Commission Members
Conservation Board Members
Parks and Recreation Director Bridges
Planning and Zoning Director White
CEDO Director Owens

ORIGINAL

RESOLUTION RELATING TO

Urban Reserve Planning and Site Management

AS Amended
Adopted by the City Council
March 18, 2013
[Signature] Clerk

Approved March 21, 2013
[Signature] Mayor
Page

Attest:
[Signature]
Lori Olberg
Licensing, Voting and Records Coordinator

* * * * *

Minutes

Parks, Arts & Culture Committee Meeting

Wednesday, May 24, 2023, 5:00pm

MEETING CONDUCTED IN PERSON AT 645 PINE ST, FRONT CONFERENCE ROOM AND VIA ZOOM

Attendance:

Committee Members: Chair Joe Magee, Councilor Mark Barlow, Councilor Ali Dieng

City Staff: Doreen Kraft – BCA Director, Cindi Wight – BPRW Director, Holli Bushnell – BPRW Staff

Meeting called to order at 5:09 pm by Chair Joe Magee

Approval of Agenda

Councilor Mark Barlow moved to approve the agenda with the following changes: remove final item, Celebration and Protection of Forever Young Treehouse, as member of public could not be present, Councilor Magee seconded, all were in favor.

Approval of Draft Minutes from 3/22/2023

Approval of minutes was postponed until the arrival of Councilor Ali Dieng.

Public Forum

Public forum was opened at 5:10pm. After several attempts to engage members of the public via zoom it was concluded that no one was present to speak and public forum was closed at 5:12pm.

Urban Reserve Enforcement

Cindi Wight shared a memo regarding BPRWs ability to enforce city rules and guidelines in the Urban Reserve. The memo clarifies that BPRW steward that area while making clear that the Urban Reserve is not a park. With assistance for the City Attorney's office, the memo clarifies the borders of the Urban Reserve for enforcement purposes, while maintaining that the ultimate purpose of the land is to be determined by a public processes. To quote the memo, the changes being made are as follows: "For the limited purpose of interim stewardship and pending completion of a long-term planning process the land known as the Urban Reserve, bordered on the north by Kieslich Park, on the east by the railroad, on the west by Lake Champlain, and the south by the Community Sailing Center, shall be considered a city park subject to this chapter and the rules and regulations set forth in Appendix D."

Magee stated that he felt comfortable with the changes and mentioned that he would like to receive an update from the Urban Park Rangers. Wight mentioned that BPRW anticipates the Rangers spending

Staff: Holli Bushnell, Office Assistant
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most of their time on the unhoused again this year and have developed a tier system similar to BPDs in regards to response needed. Further details on the tier system and an update from the rangers will be provided at a future PACC meeting.

Barlow asked what prompted the change in policy/the memo. Wight explained that the Urban Reserve is a problematic as it is somewhat undefined in terms of who is responsible for care, upkeep, and enforcement. Ultimately, BPRW should be the entity handling enforcement in that space, but, as it is not officially a park, they lack the authority to do so. Rangers can't write tickets for infractions. This change would provide the rangers with the authority they need to for enforcement while allowing the Urban Reserve to remain an undetermined space for future public process. Rather, for the limited purpose of stewardship it is considered a city park.

Mark – gives rangers authority to enforce rules for city parks in reserve.

Cindi – yes. For example, rangers could cite someone for camping in Kieslich park, but not urban reserve until this change. There is a process for removal, but it can't be applied unless change is made. Important for our rangers to enforce rules, we have to do our part to help them follow through with what they're charged to do. Can remove when people can't take care of themselves, but it does qualify as use of force by BPD. Cite, trespass, removal process, use of force. Use of force is the last step but is part of removal. Have to be clear with messaging to public about each level of enforcement.

Barlow asked about spaces near to the Urban reserve that are not encompassed by the borders indicated in the memo, and Wight explained that those spaces are public land and thus BPRW cannot enforce there. Barlow also asked about using the Urban Reserve as boat storage for the community sailing center. Wight informed Barlow that the land cannot be designated for any use until it has gone through a public process. The public process has been pending since 2013.

Dieng asked if there have already been issues with tents/camping in the Urban Reserve and other parks in 2023. Wight was not able to recall seeing any such behavior on her trip through the area earlier in the day. Ali confirmed that the memo is preemptive and appreciated the forethought that went into developing it.

Barlow moved to approve the memo and recommend that Council accept it and authorize the ordinance change as outlined. Dieng seconded.

Dieng asked if, it attempting to identify areas where people experiencing housing hardships can stay, the Urban Reserve might be considered for individuals with children, are pregnant, or have physical disabilities. Wight stated that that decision is outside the purview of BPRW and respectfully asked to stay out of conversation. Magee commented that CDNR will be discussing the city plans following end of voucher program next week Sarah Russell, and that it is an ongoing conversation. He hopes to discuss it further at the 6/5 council work session.

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Magee called for a vote on the motion to recommend to council and all were in favor.

Fees associated with usage of parks for Justice of the Peace Marriage Ceremonies

Dieng, who is also a Justice of the Peace, asked for an understanding of the new policy as he was not aware it was being put in place. Wight explained that the fee is not just for JPs, and it is a new fee for BPRW. Staff has been looking at the commercial use ordinances and have decided that any use of a park where someone is paid to do something (like officiate a wedding), will incur a fee. The idea is that BPRW knows there are people using our parks to benefit their businesses and BPRW thinks there should be a fee associated with it. It is a new program as of this year which proposes an annual fee for commercial use of the parks.

Dieng questioned the need for the fee, noting that a group coming to park has already paid to reserve a space. Wight explained that a reserving field, shelter, or space give the individual exclusive use of that space. The proposed annual fee does not allow for exclusive use and would not automatically reserve space for use. Rather it's just paying fee towards use of space.

Dieng asked if the Parks Commission approved the measure and Wight confirmed that they did and the policy is currently in effect. Dieng asked Wight to make sure the policy is clearly indicated in writing where members of the public can easily find it. Wight confirmed that it is on the BPRW website and will check to see if any language needs to be revised.

Barlow asked if BPRW has any data on this specific use of public parks for individual benefit. Wight stated that, while BPRW knows it's happening they do not have any firm numbers on officiants just as they don't have numbers for coaches and fitness teachers. Last year 4-6 fitness teachers signed up for the program, and BPRW will be spending this year educating the public on the new policy, possibly provided by our seasonal rangers.

Update and plan from respective city departments of Planning and CSMP and our partners at BCA of Graffiti Removal from City and both public and private buildings

Unfortunately, there was not staff present to discuss this issue. Magee noted that it was just discussed at the budget meeting on Monday. Dieng noted that the work being done is great, but feels more entities need to be involved in making downtown beautiful and welcoming to everyone. He asked to circle back to this item at a future meeting and proposed possibly generating a resolution regarding the possible creation of a graffiti task force to the City Council.

Barlow commented that Bruce Wilson from Arts So Wonderful was in attendance at the budget meeting. Wilson is trying to promote mural creation in places as substitute for graffiti and in an effort to channel the energy that goes into graffiti into art. Barlow would like to see volunteers and empowered citizens to help beautify neighborhoods.

**CITY OF BURLINGTON
PARKS, ARTS & CULTURE COMMITTEE**

**Councilor Joe Magee, Chair, Ward 3
Councilor Ali Dieng, Ward 7
Councilor Mark Barlow, North District**

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Brief overview of past committee work and discussion of future business

Ongoing and future topics for discussion include, an update on the NNE Oddfellows Lodge mural project, the Forever Young Treehouse, the possible creation of a graffiti task force, an update from the Urban Park Rangers (Denver training), tree crew update from VJ Comai, Update on drainage issues in the Muslim section of Lakeview Cemetery, analysis of demographics for summer programing (BPRW Rec, Library, and BCA), and, tentatively, a general overview of the camping situation.

Schedule Next Meeting

Meetings will be held on the 4th Wednesday at 5pm in 645 Pine going forward. The next meeting will be 6/28/2023 at 5pm

Adjournment

Meeting was adjourned at 6:18pm